

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	1:12-CR-80
v.	)	
	)	Judge Curtis L. Collier
DARIEN HOUSTON	)	

**ORDER**

Defendant Darien Houston (“Defendant”) filed a motion for a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978) (Court File No. 36),<sup>1</sup> which was referred to United States Magistrate Judge Susan K. Lee. The magistrate judge construed Defendant’s motion for a *Franks* hearing to also include a motion to suppress. The Government filed a response in opposition to Defendant’s motion (Court File No. 34). The magistrate judge held a *Franks* hearing on Defendant’s motion and subsequently filed a report & recommendation (“R&R”) recommending the underlying motion to suppress be denied (Court File No. 41). Defendant timely objected (Court File No. 42) and the Government filed a response (Court File No. 43). For the reasons provided in the accompanying memorandum, the Court **ACCEPTS** and **ADOPTS** the R&R (Court File No. 41) and **DENIES** Defendant’s motion to suppress (Court File No. 36).

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Defendant initially filed a motion seeking leave to file a motion for a *Franks* hearing out of time (Court File No. 30), which the Court granted (Court File No. 35).